



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 29, 1993

Ms. Alesia Sanchez
Legal Assistant
Legal Services, 110-1A
Texas Department of Insurance
P.O. Box 149104
Austin, Texas 78714-9104

OR93-707

Dear Ms. Sanchez:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, Government Code chapter 552.¹ We assigned your request ID# 21655.

The Texas Department of Insurance (the "department") has received two requests for certain audit and examination reports. Specifically, the requestor seeks "copies of all audit or examination reports" of Houston General Insurance Company and Equitable General Insurance Company from 1974 through 1981. You seek to withhold the requested information under section 552.112 of the Government Code.

Section 552.112 provides:

(a) Information is excepted from the requirements of Section 552.021 if it is information contained in or relating to examination, operating, or condition reports prepared by or for an agency responsible for the regulation or supervision of financial institutions or securities, or both.

¹We note that the Seventy-Third Legislature repealed V.T.C.S. article 6252-17a. Acts 1993, 73d Leg., ch. 268, § 46. The Open Records Act is now codified in the Government Code at chapter 552. *Id.* § 1. The codification of the Open Records Act in the Government Code is a nonsubstantive revision. *Id.* § 47.

(b) In this section, "securities" has the meaning assigned by the Securities Act (Article 581-1 *et seq.*, Vernon's Texas Civil Statutes).

Open Records Decision No. 158 (1977) at 5-6 held that section 552.112 (formerly V.T.C.S. article 6252-17a, § 3(a)(12)) includes insurance companies within the term "financial institutions."

You advise us that the department prepared the documents submitted to us for review and that these documents contain information about the financial status of two insurance companies subject to departmental regulation and supervision. We have examined these documents and conclude that they clearly fall within the section 552.112 exception. Accordingly, you may withhold the requested information from required public disclosure.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact this office.

Yours very truly,



Kymberly K. Oltrogge
Assistant Attorney General
Open Government Section

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Ref.: ID# 21655
ID# 21752

Enclosures: Submitted documents

cc: Mr. Gene Creely, II
Boswell & Hallmark
Attorneys At Law
2100 Interfirst Plaza
1100 Louisiana Street
Houston, Texas 77002
(w/o enclosures)